

REMARKS

Claims 1-17 and 26 are pending and stand rejected by the Office. New claims 27-29 are now also pending.

Independent claims 1 and 12 are amended and new claims 27-29 are added, as discussed below, and are supported throughout the specification, including at paragraphs [0005] through [0014], [0019] through [0022], [0025] through [0028], [0040], [0053] through [0056], and [0075] of the pre-grant publication.

Interview Summary

Applicant would like to thank the Examiner for the interview held on May 5, 2011. During the interview, the claims and cited references were discussed and recommendations were made by the Examiner. In response, Applicant has amended independent claims 1 and 12 to overcome the prior art of record in a manner consistent with the Examiner's remarks. Applicant has also added new claims 27-29 consistent with these remarks. Reconsideration of the current rejections, and allowance of all pending claims, is respectfully requested in light of the amendments and remarks herein.

Claim Rejections – 35 U.S.C. § 103

Claims 1-5, 7, 12-14 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burris (U.S. Patent Application No. 2003/0208394) in view of Byrd, "Manage Your Inventory in Excel," (hereafter "Byrd"), further in view of VanHoose (U.S. Patent No. 4,773,011). Claims 6, 8-11, and 15-17 are rejected under 35 U.S.C. § 103(a) as being

unpatentable over Burris, in view of Byrd, further in view of VanHoose, further in view of Examiner's Official Notice. The rejections are respectfully traversed.

Claims 1 and 12

Applicant traversed the above rejections, including those regarding claims 1 and 12, in the Amendment filed December 3, 2010. Applicant maintains its traversal and for the sake of brevity does not repeat them herein but rather incorporates them by reference.

In addition to the reasons already provided by Applicant in the above referenced prior Amendment, independent claims 1 and 12 are allowable over the prior art of record at least because the prior art fails to disclose "collecting operational data from the service center and storing the operational data in a computer-readable memory, wherein the operational data comprises an average number of service or repair order requests per time period, a number of days the service center is open per time period, identification of one or more carlines serviced, and a tread depth of one or more tires on vehicles serviced by the automotive center during the order requests" as recited in these claims. The feature of collecting "tread depth of one or more tires on vehicles serviced by the automotive center during the order requests," added by the present amendment, is supported throughout the specification, including at paragraphs [0025] through [0028], [0040] and [0075] of the pre-grant publication.

It is respectfully submitted that none of the cited references, alone or in combination, teach or suggest the methods of claims 1 and 12. For example, none of the references teach collecting operational data comprising tread depth of one or more tires on vehicles serviced by the automotive center during the order requests for use in subsequent calculations for projecting tire sales.

Burris discloses forecasting the production and sales of good based upon various reports collected concerning those goods. *See, e.g.*, Burris at paragraphs [0020] through [0022]. Burris fails to teach or suggest collecting tread depth of one or more tires on vehicles serviced by an automotive center during service or repair order requests for use in subsequent calculations for projecting tire sales.

Byrd discloses information concerning managing inventory level. In particular, Byrd raises issued such as when to place orders to increase quantities of inventory of goods, including, *e.g.*, considering prior sales of those goods and entering an estimate of maximum expected sales in an excel worksheet. *See, e.g.*, Byrd at page 5. Byrd fails to disclose how to estimate the maximum expected sales, let alone the detailed steps of calculating maximum sales recited in independent claims 1 and 12. Further, as with Burris, Byrd also fails to teach or suggest collecting tread depth of one or more tires on vehicles serviced by an automotive center during service or repair order requests for use in subsequent calculations for projecting tire sales.

VanHoose discloses, generally, checking the tread depth of tires to determine a safe level of operation for a particular tire. *See, e.g.*, VanHoose at col. 2, line 42 to col. 3, line 6. VanHoose fails to teach or suggest collecting tread depth of one or more tires on vehicles serviced by an automotive center during service or repair order requests for use in subsequent calculations for projecting tire sales. Moreover, the mere tread depth checking disclosed in VanHoose does not lead to a tire tread index that varies with carline and represents a percentage of cars serviced by the service center which have a tire tread depth less than a tread depth threshold as recited in claims 1 and 12.

Because the above features are missing from the combination of references of record, it is respectfully requested that the § 103 rejections of claims 1 and 12 be withdrawn.

New Claims 27-29

New claims 27-29 have been added. Claims 27 and 28 depend upon claims 1 and 12, respectively, and are supported throughout the specification, including at paragraphs [0005] through [0014], and [0019] through [0022] of the pre-grant publication. Independent claim 29 is supported throughout the specification, including at paragraphs [0053] through [0056] of the pre-grant publication. It is respectfully submitted that the cited references do not teach or suggest the features recited in these claims for similar reasons discussed above.

It is noted that Applicant has not presented specific arguments with respect to certain of the dependent claims in the instant application. This is done without prejudice to the Applicant's right to present arguments with respect to each of the claims at any point in the future. Further, because each of the dependent claims in the application depends from a base claim that is itself allowable, the dependent claims are allowable for at least the reasons set forth with respect to the independent claims.

CONCLUSION

For at least the reasons set forth above, withdrawal of the rejections and allowance of the pending claims are respectfully requested. Should there be any questions in connection with this application, the Examiner is urged to contact the undersigned at the number below to resolve any issues that may remain.

The Commissioner is authorized to charge any fees that may be required by this paper to Jones Day Deposit Account No. 50-3013 to maintain the pendency of this application.

May 6, 2011

By: Matthew W. Johnson

Matthew W Johnson

Reg. No. 59,108

JONES DAY

500 Grant Street

Suite 4500

Pittsburgh, PA 15219

(412) 394-9524